<div align="center">REMARKS</div>

I.   INTRODUCTION

Claims 1-11 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II.   THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

In the final Office Action, the Examiner maintained the rejection of each of the pending claims under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,470,346 to Morwood (the "Morwood reference") in view of U.S. Patent No. 6,769,019 to Ferguson (the "Ferguson reference"). *Office Action,* ¶¶ 3 - 9, pages 2 - 4. As the Examiner correctly points out, "Morwood does not explicitly disclose that the manager task kills the client task when a current one of the client processes is not completed within a predetermined time period." *Id.* at ¶ 5, page 3. However, the Examiner uses the Ferguson reference to cure this defect in the Morwood reference.

The Ferguson reference discloses a method for maximizing the use of available bandwidth while browsing the World Wide Web. *Ferguson reference,* col. 2, line 61 - col. 3, line 20. Users may pre-select the Web pages they wish to view while viewing other content. *Id.*

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A schedule of bandwidth priority is created, and when the connection between the client and the server is idle, the pre-selected hyperlinks are downloaded and stored in a cache on the user's hard drive. *Id.* Among the content that can be downloaded are Q-Touch pages, which are favorite pages designated by the user, and Q-Tracks information, which provide data regarding display and view time of advertisement banners. *Id.*, col. 7, lines 27 - 59. A Q-Tracks Client 434 and a Q-Touch Client 438 are implicitly invoked in order to download their respective content after a predetermined period of time. *Id.*, col. 12, lines 40 - 50. A Task Scheduler 416 invokes a Q-Tracks Task Manager 412 and Q-Touch Task Manager 414 when a TCP line is free. A Date Time Stamp (DTS) corresponding to a last download is retrieved and compared to a current DTS in order to determine a time interval since the last download. If the comparison exceeds a preset threshold, a network activity is issued. The Task Managers 412,414 also poll a Connection Manager 418 to check for higher priority requests. If a higher priority request is detected, the current network activity is suspended and resumes when all other higher priority requests are completed. *Id.*, col. 13, line 19 - 38.

In contrast, claim 1 of the present invention recites "a manager task running at a higher priority than the client task, the manager task queuing the client processes into the client task in priority order, wherein the manager task kills the client task when a current one of the client processes is not completed *within a predetermined time period.*" The recitation of claim 1 makes it clear that the manager tasks kills the client task when the client process is not completed within the predetermined time period.

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The present application explains that the killing of the client task is performed internally by the manager task. *Specification*, page 5, lines 15 - 28. This is done to ensure that the processor is continually available. *Id.*, page 5, lines 11 - 16. Should an error be encountered in the execution of a client task, the processor will not be caught in a continuous loop attempting to execute the task. *Id.*, page 5, lines 15 - 28. Rather, the processor will restart the client task if the client process is not completed within a predetermined period of time, thereby killing the errant client process. *Id.* Thus, the terminated client process is no longer relevant to the restarted task.

The Examiner states that the Ferguson reference purportedly shows killing a task if it is not executed within a predetermined time period. However, the Ferguson reference only teaches that if a time interval greater than the threshold has passed, a download may be initiated by the Task Managers 412,414. The purpose of the threshold in the Ferguson reference, when used in conjunction with a Client Status File 502, is to determine if a download should be initiated, rather than killed as the Examiner contends. Thus, the threshold does not apply to currently running requests, but is instead directed to determining the necessity of updating content from a Web server. The Ferguson reference further states that if a download or upload is occurring over a connection, a higher priority request takes over access to the connection until the higher priority request is complete. *Ferguson Reference*, col. 18, lines 1 - 6. Thus, a higher priority request always takes precedence over a lower priority current request, regardless of how long the current request has been running. Therefore, the current request has the potential to run indefinitely as long as no higher priority requests are found.

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In addition, it is respectfully submitted that the Ferguson reference does not disclose killing a client task. The Examiner states that since ongoing network activity is suspended while a higher priority request is served, this implies that the current activity is killed. *Office Action,* ¶ 11, page 5. However, it is well known in the art that current activity can be suspended temporarily while another activity is serviced. Execution of the suspended activity can then be resumed from the point at which it was suspended. By suspending and resuming the activity, the Ferguson reference teaches away from the present invention. Killing a task requires that execution of the task cannot be resumed. If the user desires to run the task after it is killed, the task must be scheduled as a new task and executed starting at the beginning of the task. A purpose of killing the task is to prevent the task from running in a loop indefinitely. Thus, it would not be desirable to merely suspend the task, only to have the task resume running in the loop.

Accordingly, the applicants respectfully submit that the Morwood reference and the Ferguson reference, either alone or in combination, do not teach or suggest "a manager task running at a higher priority than the client task, the manager task queuing the client processes into the client task in priority order, *wherein the manager task kills the client task when a current one of the client processes is not completed within a predetermined time period,*" as recited in claim 1. Thus, the applicants respectfully request the Examiner to withdraw the rejection of claim 1 and all claims depending therefrom (claims 2-5).

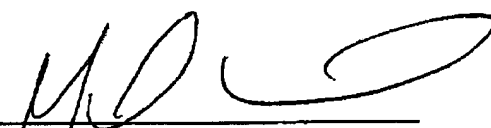Claims 6 and 11 recite "killing execution of the client task by a manager task

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executing at a priority higher than that of the client task when the first client process is not completed *within a predetermined time period*." Accordingly, for the same reasons as described above with reference to claim 1, it is respectfully submitted that claims 6 and 11 and all claims depending therefrom (claims 7-10) are also allowable.

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CONCLUSION

In view of the remarks submitted above, the applicants respectfully submit that the present case is in condition for allowance. All issues raised by the Examiner have been addressed, and a favorable action on the merits is thus earnestly requested.

Respectfully submitted,

Dated: August 4, 2005

By:_____
Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
(212) 619-6000 (phone)
(212) 619-0276 (facsimile)

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